



1 appointment as lead plaintiff, nor did Plaintiffs in a third similar federal securities  
2 action currently pending in the Central District of California, entitled *Hanoch Ben-*  
3 *Tal as Trustee for the Ben-Tal Family Trust and Aric A. Streit and Mary Streit as*  
4 *Trustees for the Benefit of the Streit Living Trust, Individually and on Behalf of*  
5 *All Others Similarly Situated v. Bank of America, et al.*, No. CV 08-4767 MRP  
6 (PLAX). Plaintiffs in *Hanoch Ben-Tal* have served notice of the voluntary  
7 dismissal of that case, on the same bases as the notice herein. We dismiss the  
8 action here in favor of the action moving forward in the Northern District of  
9 California, to the benefit of all class members.

10 Respectfully submitted,

11 RUSHALL & McGEEVER

12  
13 Dated: August 21, 2008

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7  
8 Attorneys for Plaintiffs Sumner D. Bearman,  
Individually and on Behalf of All Others  
9 Similarly Situated

10  
11 **UNITED STATES DISTRICT COURT**  
12 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

13 SUMNER D. BEARMAN, Individually ) Civil Action No. 08 CV 1115 DMS  
14 And On Behalf of All Others Similarly ) (WMC)  
Situating, )  
15 Plaintiff, ) **PROOF OF SERVICE**  
16 v. )  
17 BANK OF AMERICA CORPORATION; )  
18 BANC OF AMERICA INVESTMENT )  
SERVICES, INC.; and BANC OF )  
19 AMERICA SECURITIES, LLC, )  
20 Defendants. )  
21 )

22 I, Cheryl A. Knoblock, am employed in the County of San Diego, State of  
23 California. I am over the age of 18 and not a party to the within action. My  
24 business address is 6100 Innovation Way, Carlsbad, California 92009.

25 On August 21, 2008, the following document(s):

26 (1) NOTICE OF VOLUNTARY DISMISSAL

27 were presented to the Clerk of the Court for filing and uploading to the CM/ECF  
28 system. In accordance with their ECF registration agreement and the Court's

PROOF OF SERVICE

08 CV 01115 DMS (WMC)

1 rules, the Clerk of the Court will send e-mail notification of such filing to the  
2 following persons:

3 David I. Hurwitz  
4 dhurwitz@omm.com

5 Jeff S. Westerman  
6 jwesterman@milberg.com

7 I declare under penalty of perjury under the laws of the State of California  
8 that the foregoing is true and correct.

9 Executed on August 21, 2008, at Carlsbad, California.

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11 \_\_\_\_\_  
12 Cheryl A. Knoblock  
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